

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

George Quintero

v.

Civil No. 12-cv-358-SM

Northern NH Correctional Facility,  
Warden

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated May 8, 2013. The motion to withdraw (doc. no. 6) is DENIED. The motion to stay (doc. no. 4) is GRANTED.

Quintero must commence post-conviction litigation in the state superior court to exhaust his state court remedies on all of the federal claims in his § 2254 petition within thirty days of the date of this order.

Quintero must apprise this court, in writing, every ninety days, of the status of his state court litigation, until the final disposition of his federal claims in the NHSC.

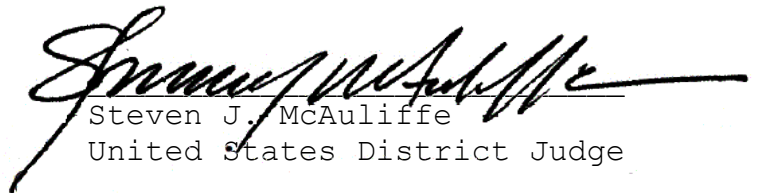
Once the NHSC has rendered a final disposition in Quintero's appeal of his post-conviction state court litigation, Quintero must so notify this court within thirty days of the date of that decision, must file a motion to lift the stay in this court, and file an amended

habeas petition that demonstrates that he has exhausted his state court remedies with respect to all of the federal claims contained therein.

To demonstrate exhaustion, Quintero must file, as exhibits to his amended petition in this court, any motions, notices of appeal, briefs, state court decisions, or other documents derived from the NHSC record, which demonstrate that his federal habeas claims have been presented to the NHSC.

Should Quintero fail to notify this court as directed, fail to file an amended petition demonstrating exhaustion, or otherwise fail to comply with this order, the petition will be dismissed, without prejudice, for failure to comply with the exhaustion requirement as to each of the claims asserted in this action. See 28 U.S.C. § 2254(b).

SO ORDERED.

  
Steven J. McAuliffe  
United States District Judge

Date: June 26, 2013

cc: George Quintero